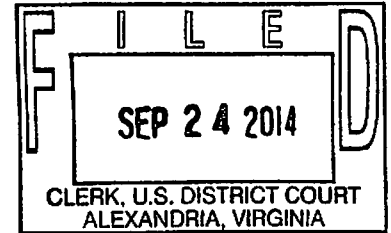


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:14-MJ-477
)	
PATRICK JOSEPH FRIEDEL)	
)	
Defendant.)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kristina M. Eyler, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Washington, D.C. I have been employed by DHS since 2003 and have seven years prior law enforcement experience. I have earned a Bachelor of Science degree in the field of criminal justice/psychology. Additionally, I have graduated from the Federal Law Enforcement Training Center's Police Mixed Basic Training Program, Prince William County Police Criminal Justice Academy, Federal Law Enforcement Training Center's Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program. As part of your Affiant's current duties as an HSI agent, your Affiant investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography in violation of Title 18, United States Code, Sections 2252 and 2252A. I have received training in the

area of child exploitation, undercover child exploitation investigations, conducting peer-to-peer investigations and have observed and reviewed numerous examples of child pornography as defined in Title 18, United States Code, Section 2256 in all forms of media. I have written and participated in the execution of Federal and State search warrants relating to the exploitation of children.

2. As a federal agent, your Affiant is authorized to investigate violations of the laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Patrick Joseph FRIEDEL, of Arlington, Virginia, with violating Title 18, United States Code, Section 2251(a), production of child pornography.

4. For the reasons set forth below, I respectfully submit that this affidavit contains ample probable cause to believe that Patrick Joseph FRIEDEL knowingly produced and possessed child pornography in the Eastern District of Virginia and elsewhere.

5. The statements contained in this Affidavit are based on my experience and background as a special agent working in the area of child exploitation and on information provided by other law enforcement agents. I have not set forth every fact resulting from the investigation; rather I have included only that information necessary to establish probable cause to charge and arrest Patrick Joseph FRIEDEL for violating Title 18, United States Code, Section 2251(a), production of child pornography.

DETAILS OF INVESTIGATION

6. On or about April 8, 2014, your Affiant was reviewing the data acquisition of a cell phone belonging to a victim in another child exploitation investigation ("Juvenile 1"). An online communication was located between Juvenile 1 and an unknown subject using the username "gthoya" on a third party application called KIK Messenger.

7. During one communication, "gthoya" referred to Juvenile 1 as his "underage pussy," indicating that he knew she was a minor. Your affiant observed images that were determined to be child pornography received by "gthoya" from Juvenile 1 between November 18, 2013 and March 26, 2014. Additionally, "gthoya" sent Juvenile 1 a photo, which shows him using a sex toy on his erect penis.

8. In another communication, "gthoya" provided Juvenile 1 with his cellular telephone number. Additionally, "gthoya" requested that Juvenile 1 drive to his residence in order for them to engage in sexual activity. "Gthoya" provided Juvenile 1 with his address in Arlington, Virginia.

9. On May 1, 2014, an ICE administrative summons was sent to KIK Interactive, Inc for account information regarding the username "gthoya". On May 1, 2014, KIK Interactive, Inc. responded with the following information: First Name: Patrick, Last Name: Jo, Email: gthoya@yahoo.com, Username: gthoya, User Location: Arlington, IP Address: 71.178.197.172, Device Type: iPhone.

10. On May 2, 2014, an ICE administrative summons was sent to AT&T Wireless for account information regarding the telephone number "gthoya" had provided to Juvenile 1. On May 21, 2014, AT&T provided the account user name Patrick FRIEDEL.

11. A query of publically available databases revealed Patrick FRIEDEL resided at an address in Arlington, Virginia.

12. On May 21, 2014, a Virginia State search warrant was executed at FRIEDEL's residence in which several electronic storage devices were seized, including a white Thor tower desktop computer and Apple iPhone 5. The sex toy referenced in paragraph 7 was also found in FRIEDEL's residence. Additionally, a Zipcar membership card with account number 882054 was found in the residence.

13. During a review of the data acquisition conducted on FRIEDEL's HTC cell phone seized during the search warrant, 10 telephone calls from FRIEDEL to a person identified in his contact list by her first name and last initial (referred to hereinafter as "Juvenile 2"). An email associated with Juvenile 2 was also located on FRIEDEL's cell phone. A query of publically available databases and social networking websites determined Juvenile 2 was a minor who resided in Maryland.

14. On August 19, 2014, your affiant and Detective Wagner (Fairfax County Police) spoke with Juvenile 2 at her home in Maryland regarding her online communication with FRIEDEL. Juvenile 2 stated she met FRIEDEL on the social network application "Meetme" in the spring of 2012 when she was 15 years old. Juvenile 2 stated she informed FRIEDEL several times that she was 15 years old. FRIEDEL used the username "PatrickJo" and a short time later FRIEDEL asked her to switch to the third party application called KIK. Juvenile 2 stated FRIEDEL's username on KIK was "gthoya". Juvenile 2 recalled their communications started out normal and rapidly progressed to being sexual in nature.

15. Juvenile 2 stated that she and FRIEDEL traded pictures of their nude bodies. FRIEDEL instructed Juvenile 2 to download the application Dropbox (which allows for storage of data, like videos, online), create an account, and provide him the login information so he could have access to its content. FRIEDEL instructed Juvenile 2 to upload pictures of her nude body and videos of her masturbating into Dropbox.

16. Juvenile 2 further stated she had met FRIEDEL in person on at least three occasions with the first meeting being on or about November 2012. Juvenile 2 stated FRIEDEL drove to her residence in Maryland in a white commercial type van that he rented from Zipcar. FRIEDEL parked outside her residence at approximately 1:00 am and sent Juvenile 2 a text message to her stating he was outside. Juvenile 2 left her home and got into the van with FRIEDEL. FRIEDEL drove a short distance away from her home to a cul-de-sac and parked. FRIEDEL engaged in vaginal intercourse with Juvenile 2 as well as anal and oral sodomy. Juvenile 2 stated FRIEDEL took pictures and videos of them while they engaged in sexual intercourse.

17. Juvenile 2 stated the next in-person meeting took place on or about December 2012. FRIEDEL drove to her residence in Maryland in a dark colored SUV, which was rented by Zipcar, and picked her up at her residence at approximately 4:00 pm. Juvenile 2 stated she told her parents she was going to spend the night at a friend's house. Juvenile 2 got into FRIEDEL's vehicle and they drove to his apartment in Arlington, Virginia. Once at his apartment, FRIEDEL engaged in vaginal intercourse, anal and oral sodomy with Juvenile 2. Juvenile 2 stated FRIEDEL took pictures and videos during their sexual encounter with his phone. Juvenile 2 could not recall how

many times they had sexual intercourse during their time in FRIEDEL's apartment, but she stated he took her home the next day.

18. On August 20, 2014, an ICE administrative summons was sent to Zipcar for all account information relating to FRIEDEL's account number 882054. On August 25, 2014, Zipcar provided detailed information regarding FRIEDEL's account. Zipcar records showed on November 23, 2012, FRIEDEL rented a Honda CRV for three hours and drove approximately 85 miles.

19. During a review of the data acquisition conducted on FRIEDEL's white, Thor custom tower computer, a video of Juvenile 2 engaged in a sexual act was observed. The EXIF data embedded in the video indicated that it was created by an Apple iPhone 5 on November 23, 2012 at 10:25 pm. The EXIF data also included global positioning system information, which indicated the video was filmed at or near the apartment complex in Arlington, Virginia where FRIEDEL lived. Apple's iPhone 5 is produced outside of the Commonwealth of Virginia.

20. Your affiant reviewed the video, which is approximately five minutes in length and is described as follows:

Juvenile 2 is wearing a blue colored blindfold and is performing oral sex on FRIEDEL who she refers to as "Master". FRIEDEL is continuously giving Juvenile 2 commands and instructing her on how to perform oral sex on him. Throughout the video, FRIEDEL refers to Juvenile 2 as "slut", "whore" and "slave". FRIEDEL tells her "you young kids learn fast". At the 3:50 mark, FRIEDEL slaps Juvenile 2 in the head because she wasn't stroking his penis after she took it out of her mouth. At the 4:36 mark, FRIEDEL states, "you're 15 but you learn quick...are you really 15 or are you younger than that?" In the video, Juvenile 2 states that she is 15.

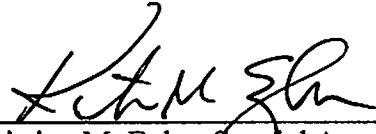
21. Your affiant reviewed the results of the data acquisition of FRIEDEL's custom Thor tower computer and determined there were approximately 500 images and/or videos that depicts minors engaged in sexually explicit conduct and/or lewd and lascivious display of the genitalia and meet the definition of child pornography in 18 U.S.C. 2256. For the majority of these images and videos, the minors depicted in the image or video sent them to FRIEDEL at his request. At this time, your affiant has positively identified three of the minors depicted in these images and/or videos.

22. In addition, your affiant located approximately six videos and/or images on FRIEDEL's custom Thor tower that depict a child under the age of 10 engaged in a sexual act with adult male. These child pornography videos appear to have been produced by others and circulated on the Internet.

CONCLUSION


23. Based on the above information, there is probable cause to believe that Patrick FRIEDEL did knowingly employ, use, persuade, induce, entice and coerce any minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and knowingly and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce, and such visual depiction was produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign commerce, by any means including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce.

Respectfully submitted,



Kristina M. Eyler, Special Agent
Department of Homeland Security,
Homeland Security Investigations

Sworn and subscribed to before me
this 24th day of September, 2014

 /s/

Ivan D. Davis
United States Magistrate Judge